



Town of Hampden

Planning Board

Tuesday, November 17, 2020, 7:00 pm

This Meeting was Postponed from November 11, 2020

Municipal Building Council Chambers

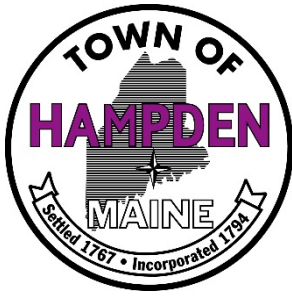
Agenda

NOTICE

Due to the ongoing coronavirus pandemic, this meeting will be held at the Council Chambers AND through virtual meeting technology. Please refer to the Town's website for additional information regarding how to participate in the meeting. If you have trouble finding or viewing the information, please call the Town Planner at 862-4500 ext. 160 and leave a message including an email address or phone number where you can be reached, or you can send an email to planner@hampdenmaine.gov.

Thank you, and we apologize for any inconvenience this may cause you.

1. Administrative.
 - a. Minutes – October 14, 2020 regular meeting
 - b. Minutes – October 20, 2020 workshop meeting
2. Old Business – None.
3. New Business
 - a. Public Hearing to consider proposed amendments to various sections of the Hampden Subdivision Ordinance to clarify or correct language.
4. Planning Board Comment
5. Adjournment of regular meeting



Town of Hampden

Planning Board Meeting

Wednesday October 14, 2020, 7:00 pm

Minutes

This meeting was held via remote means (Google Meet) due to the Covid-19 Pandemic, in accordance with SP0789 / LD2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency.

In Attendance:

Planning Board

Kelley Wiltbank, Chairman
Ladoiya Wells
Gene Weldon
Richard Tinsman
Brent Wells
Jennifer Austin

Staff

Ben Smith, Contract Planner
Sarah DelGizzo, Contract Planner
Wanda Libbey, Recording Clerk
Ryan Carey, CEO
Amy Ryder, Economic Development Director
Public
Jim Kiser
Debbie Moody
Nate Wicklow
Francis Leathers

The meeting was called to order by Chairman Wiltbank at 7:00 pm. Chairman Wiltbank explained that this meeting is being held remotely, with Gene Weldon and Jake Armstrong in the Council Chambers and everyone else via Google Meet, in accordance with the guidelines for the pandemic. He took attendance by roll call; all members listed above participating with both audio and video. It was established that all board members were able to hear and speak to all the other members. All staff and public participants could likewise hear and speak to all other participants.

1. Administrative

- a. Minutes – September 9, 2020 regular meeting

Motion by Member Weldon to approve the minutes of the September 9, 2020 regular meeting with two amendments. Amendment one is to add Member Tinsman abstaining to the approval of August 12, 2020 minutes and the second amendment is on page 3, Mr. Holmes should read Mr. Helm's, seconded by Member Wells; motion carried 6/0/0 by roll call vote.

2. Old Business

- a. DLM Professional Center –Continuation of Public Hearing for a Major Site Plan to add 4 new commercial buildings to the commercial property at 588 Main Road North, parcel 19-0-037. This property is in the Business district.

Motion by Member Weldon to remove this item from the table and continue the public hearing; second by member Richard; motion carried 5/0/1. (Member L. Wells abstained)

Chairman Wiltbank re-opened the hearing at 7:07 pm after confirmation that the hearing was duly noticed.

Jim Kiser, representing the applicant, presented the proposed plan:

- Property is located at 588 Main Road North, across from PDQ Doors.
- Proposing to revise parking for the existing building in the front.
- Proposing two parking areas on each side of the existing building.
- Proposing 4 new buildings that are each just under 2,900 sq. ft. for professional services.
- The first building in the back will be utilized by the applicant, Debbie Moody.

Jim Kiser addressed each item in the Planner's report; only those items which were discussed further at the September 14th meeting are noted here:

- Add connection to the Main Road North sidewalk.
- Landscaping in front of the existing building and the front parking areas.
- A crosswalk from the northerly parking area across the proposed driveway.
- A written waiver request for parking stall depth from 20' to 18'.

Chairman Wiltbank asked if anyone had any questions concerning the waiver being requested concerning parking spaces.

- On this issue Member Tinsman recommends that the board look at the requirements of allowing a waiver. A waiver requires extraordinary or unnecessary hardships, it relates to special circumstances of a particular plan. Our Ordinance tells us that such waiver will not have the effect of nullifying the purpose of the regulations. When we do grant a waiver the Planning Board should require such conditions that substantially meet the objectives of the ordinance. Jim Kiser stated that changing the size of the parking spaces from 20' to 18' will provide less exposure to impervious areas for projects.
- Ryan Carey, CEO stated that the project is in the MS4 District/Urban Area of town where we are trying to reduce the impervious area on all these projects.
- Ben Smith commented concerning the waiver requested that 9' x 18' parking space that it is a standard size with other communities he works with in the state. Ben believes it is reasonable for the board to consider this waiver request and to be open minded when doing so. Ben does agree that it might be time to look at this particular standard in the Zoning Ordinance concerning waivers.

Motion by Member Austin to grant a waiver from parking dimensional requirements in Section 4.7.1, to allow 9' x 18' parking spaces in order to reduce total impervious surface in the project, seconded by Member Tinsman; motion carried 4/1/1 by roll call vote, (Member Tinsman voted against and Member L. Wells abstained).

Chairman Wiltbank invited comments from anyone who wished to speak for or against the application; there being no public comments, the public hearing was closed at 7:25 pm.

Motion by Member Austin to approve the Major Site Plan for DLM Professional Center to add 4 new commercial buildings to the commercial property at 588 Main Road North with waiver, seconded by Member Tinsman; motion carried 6/0/0 by roll call vote.

3. New Business

- a. BNA Monroe Property – Minor Subdivision Final Plan. The proposal is to create a 3-lot subdivision by creating 2 additional lots on a 13.55-acre parcel of which one lot was created in 2019 located on 175 Monroe Road, Parcel 02-0-024 & 024-1. The property is in the Rural district.

Jim Kiser, representing the applicant, presented the proposed plan:

- Creation of a 3-lot subdivision on 13.55-acres.
- The first lot, Parcel A, was split out from the parcel in 2019
- New lot, Parcel B, 2.06-acres with 200 ft of frontage on Monroe Rd.
- New lot, Parcel C, 11.49-acres with 208.32 ft. frontage at the end of unnamed access easement/private road.

Discussion:

- Member Weldon asked if Parcel A is Wicklow Holdings and Parcel B and C are BNA Properties? Are they all common ownership? Jim Kiser stated that Parcels B and C are common ownership under BNA Properties. Parcel A is under a different corporation name that was separated last year so it does not require final review under this subdivision.
- Member Weldon asked what the original subdivision was? Jim Kiser explained that the original subdivision was just on Parcel A for a four-unit division of that parcel. It was broken out from the parent parcel as a separate which did not require a subdivision review. Under land subdivision it did require a subdivision review under dwelling unit subdivision.
- Because this is more than two lots in five years you are coming to us for an additional divisional of this property breaking of Parcels B and C. Jim Kiser stated that this is correct.

Motion by Member Tinsman that based on the findings, dated October 14, 2020 I move that the Planning Board approve the Subdivision Application from BNA Monroe Property Inc. for plans dated October 2, 2020, seconded by Member L. Wells; motion carried 6/0/1 (Member B. Wells abstained).

- b. Pine Grove Estates – Public Hearing for a major site plan and a major final subdivision plan. The proposal is to construct 5 four-plex buildings and 1 duplex on a 11.49-acre parcel located on Lot C, BNA Monroe Property located on the Monroe Road, Parcel 02-0-024-1. This property is in the Rural district.

Chairman Wiltbank opened the public hearing at 7:36pm

Jim Kiser, representing the applicant, presented the proposed plan:

- a. This is a dwelling unit subdivision.
- b. Multi-family project with 22 units in 6 buildings.
- c. Five four-plex buildings and 1 duplex
- d. Spawn step wastewater disposal system for each building
- e. Four wells on property and no more than eight units off each well.
- f. DEP Stormwater application has been submitted

Ben Smith, Contract Planner, explained that this project has been reviewed by the consulting engineer for the town and we had supplied some comment to the applicants representative Jim. Jim has submitted revised plans following a review by the consulting engineer for the town. To ensure that the numbers for frontage were correct and that lot B and C in the subdivision meet the fringe requirements, engineering requirements and clarified filter bed requirements for the zone. You will note that there are boulders shown on the plan to keep snowplows and traffic out of the filter beds. Overall, I think that it meets the requirements of the ordinance, as Jim noted, it does require a stormwater permit from the state which will need to be in hand prior to the issuance of any building permit.

Amy Ryder, Economic Development Director spoke in favor of the project.

Chairman Wiltbank opened the public hearing at 7:43pm.

Discussion points:

- Does the fire department have any issues with the turnarounds that were shown on the plans? Ben Smith explained that the fire department did have an opportunity to review the plan but did not specifically say that the hammerhead turnaround was going to be problematic.
- Is there a streetlight shown on the plan at the intersection? Jim Kiser stated the yes, a streetlight was going on the pole closest to the access on the Monroe Road.

Motion by Member Tinsman move that the Planning Board approve the Major Subdivision and Major Site Plan for Pine Grove Estates project, seconded by Member B. Wells; motion carried 6/0/0.

- c. BNA Parcel B –Minor Final Subdivision Plan. The proposal is to develop a second two-family building on 2.06-acre parcel located at 175 Monroe Road, parcel 02-0-024-1. This property is in the Rural district.

Jim Kiser, representing the applicant, presented the proposed plan:

- a. Minor subdivision with an existing two-unit building
- b. Adding a second duplex identical to the existing building.
- c. Separate septic for new unit
- d. Shared well with existing unit.

Discussion points:

- Ben Smith commented on the clearing limits for the previous application and the impact it will have on parcel B in association with the entrance to the new units as well as the mailbox. Jim Kiser explained that any additional clearing would be minimal.
- Ryan Carey asked Jim if putting in the additional building on the lot would we still be within the impervious area threshold? Jim Kiser explained that there will be less than an acre of impervious and less than an acre of disturbed area, so there is no DEP permitting criteria required.
- Member Weldon would like to recommend the previous subdivision approval be referenced on the plan the board will be signing. Jim Kiser said that he would do that.

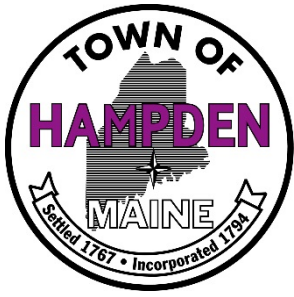
Motion by Member Tinsman that based on the findings, dated October 14, 2020 I move that the Planning Board approve the application from BNA Properties for a Minor Subdivision dated October 2, 2020, seconded by Member L. Wells; motion carried 6/0/0.

4. Planning Board Comment - none

5. Adjournment

Motion by Member Weldon to adjourn the meeting at 8:12 pm; second by Member Tinsman; motion carried 6/0/0 by roll call vote.

Respectfully submitted by Wanda Libbey,
Administrative Asst.



Town of Hampden
Planning Board Workshop
Tuesday October 20, 2020

Minutes

This meeting was held via remote means (Google Meet) due to the Covid-19 Pandemic, in accordance with SP0789 / LD2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency.

In Attendance:

Planning Board

Kelley Wiltbank (arrived 7:15 p.m.)
Jennifer Austin (remote)
Richard Tinsman (remote)
Ladoiya Wells (remote)
Brent Wells (remote)

Staff

Karen Cullen, AICP, Town Planner (remote)
Wanda Libbey, Recording Clerk

Public

(none)

Planner Cullen verified that all attendees could hear each other and see the shared screen with the subdivision ordinance documents.

The Board did a final review of proposed amendments to the subdivision ordinance which are listed below.

1. §2.1.2 – Road Length. Current language – The maximum length of any dead-end road is 2,000 feet, measured from the centerline of the connecting road to the furthest point of each dead end (e.g. cul-de-sac).
New language – The maximum length of any road segment where there is only a single point of entry from a connecting road is 2,000 feet, measured from the centerline of the connecting road to the furthest point of that road- a cul-de-sac or other turn-around, or on a loop road.
2. §2.1.3 Access. The board decided to delete this subsection from the ordinance.
3. §2.3.6.3. – Roadway Design Standards - table 2- Item Minimum shoulder width-Nonresidential Street – currently 2 ft and the board decided to change it to 3 ft.

Planner Cullen noted that this completes the board's review of the proposed subdivision ordinance amendments.

Planner Cullen reviewed the adoption schedule with the Board and they agreed by consensus to set the public hearing for this proposed subdivision ordinance for November 17, 2020.

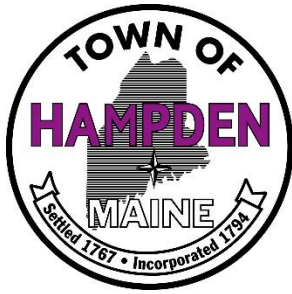
The meeting was adjourned at 7:29 pm.

Respectfully submitted by Wanda Libbey, Admin Asst.

Town of Hampden

Planner Memo

Subdivision Ordinance Update



To: Planning Board
From: Sarah DelGizzo, Planner, North Star Planning
Date: November 10, 2020
RE: Subdivision Ordinance Update

Project Overview:

In collaboration with the Planning Board, town staff, and professional engineers, the Hampden Subdivision Ordinance has been updated. The goals of this ordinance update include:

- Make it easily understandable and user-friendly
- Improve the review process
- Eliminate inconsistencies with the Town Ways Ordinance
- Eliminate inconsistencies with State law
- Clarify the improvement guarantee section

The updated ordinance has been drafted, in part, based on the model subdivision ordinance in addition to taking into account research from other Maine municipalities' subdivision ordinances and various state laws. The Planning Board has been instrumental in the process of this Ordinance update and has been involved throughout the process.

Subdivision Ordinance Table of Contents Comparison

Updated Ordinance: by section	Original Ordinance: by section
Article 1: General Provisions	Article 100: Declaration of Purpose
Article 2: Design Standards	Article 200: Authority and Administration
Article 3: Procedures	Article 300: Procedures for Subdivision Review
Article 4: Approval Criteria	Article 400: Improvement Guarantees
Article 5: Waivers	Article 500: General Requirements and Design Standards
Article 6: Enforcement	Article 600: Waiver and Modifications of these Regulations
Article 7: Definitions	Article 700: Validity, Effective Date, Conflict of Ordinances, and Filing
	Article 800: Amendments
	Article 900: Appeals
	Article 1000: Definitions

Summary of changes:

Article 1: General Provisions – is the administrative section of the Ordinance. This Article has been reorganized and reordered for clarity. Includes sections Purpose, Authority, Title, Applicability, Effective Date, Repeal of Prior Ordinance, Severability, Relationship to Other Ordinances or Laws, Scope and Amendments.

Article 2: Design Standards – contains the requirements and considerations for subdivision layout, design in relation to natural features, and infrastructure. This Article has been separated from approval criteria (formerly General Requirements) for clarity.

Article 3: Procedures – includes the process and timelines for board review as well as submission requirements. This Article has been reorganized and

reordered for clarity. Improvement Guarantee and Appeals have been added to the Procedure section.

Article 4: Approval Criteria – includes approval standards required under Subdivision state law and Hampden review criteria. This Article has been adjusted and amended based on state law.

Article 5: Waivers – includes the procedure for waiver requests submitted by applicants. This Article has been updated to no longer include ordinance amendments, as this has been moved to Article 1: General Provisions.

Article 6: Enforcement – provides a description of the enforcement of the Ordinance. This Article has been removed from Authority and Administration section.

Article 7: Definitions have been updated to reflect the amended ordinance.

Article 1: General Provisions

- 1.1 Purpose. The purpose of this Ordinance is to assure the comfort, convenience, safety, health, and welfare of the people, to protect the environment, to promote the development of an economically sound and stable community, to ensure new subdivisions have adequate infrastructure and do not place an undue burden on municipal facilities, to ensure lots in new subdivisions are capable of supporting the proposed uses and structures, and to minimize potential negative impacts of proposed subdivisions on neighboring properties.
- 1.2 Authority. This ordinance has been prepared in accordance with the provisions of Title 30-A MRSA §4403.
- 1.3 Title. This ordinance is known and may be cited as the Subdivision Ordinance of the Town of Hampden Maine.
- 1.4 Administration. This ordinance is to be administered by the Hampden Planning Board with assistance from town staff.
- 1.5 Applicability. The provisions of this ordinance apply to all land and buildings proposed for subdivision as herein defined. Subdivisions which existed, which were approved by the Planning Board, or which were legally recorded at the Penobscot County Registry of Deeds prior to September 23, 1971, are not subject to this ordinance, but any new divisions as herein defined within such subdivisions are subject to this ordinance.
- 1.6 Effective Date. The effective date of this ordinance is _____ *[fill in date upon adoption]*.
- 1.7 Repeal of Prior Ordinance. Upon the effective date of this ordinance following adoption of this ordinance, any prior Subdivision Ordinance including all amendments thereto is repealed.
- 1.8 Severability. Should any section or provision of this ordinance be declared by the courts to be invalid, such section or provision does not invalidate any other section or provision of this ordinance, and to this end, the provisions of this ordinance are hereby declared to be severable.
- 1.9 Relationship to Other Ordinances or Laws. This Ordinance in no way impairs or removes the necessity of compliance with any other ordinance, rule, regulation, bylaw, permit, or provision of law. Where this ordinance imposes a higher standard for the protection and promotion of health and safety, the provisions of this ordinance prevail.
- 1.10 Scope.
 - 1.10.1 Any person, firm, corporation or other legal entity proposing to sell, lease or convey, or to offer or agree to sell, lease or convey, any land in a subdivision any portion of which is within the limits of the Town of Hampden, must first submit such subdivision for approval by the Planning Board in accordance with this Ordinance and must record in the Penobscot County Registry of Deeds a plan thereof bearing the approval of the Planning Board.
 - 1.10.2 No utility installations; no ditching, grading or construction of roads; no grading of land or lots; and no construction of buildings is to be done on any part of the proposed subdivision

until a subdivision application has been submitted, reviewed, approved, and recorded as provided by this Ordinance.

- 1.10.3 No person, firm, corporation or other legal entity may sell or convey any land in a subdivision until the street upon which it fronts is completed in accordance with this ordinance, and at least one permanent boundary marker is set at one corner of the lot being sold or conveyed. See also §2.1.4, Monuments.

1.11 Amendments.

- 1.11.1 An amendment to this ordinance may be initiated by the Planning Board provided a majority of the Board has so voted, or by the Town Council provided a majority of the Council has voted to refer a proposed amendment to the Planning Board, or by written petition of ten percent of the registered voters of the town. All proposed amendments must be referred to the Planning Board for their review and recommendation.
- 1.11.2 The Planning Board must hold a public hearing prior to the adoption of any amendment to this ordinance, with notice of the hearing provided at least seven days prior to the hearing.
- 1.11.3 The Planning Board must submit a recommendation on any proposed amendment to this ordinance to the Town Council within 14 days of the completion of the public hearing and, when the proposed amendment was referred to the planning board from town council, within 90 days of the date of said referral unless Council agrees to an extension for good cause. The Planning Board's recommendation may be for approval, approval with modification, or denial of the proposed amendment. To constitute Planning Board approval the proposed amendment and any proposed modifications thereto must receive at least four affirmative votes from the Board. Failure of the Board to make a recommendation within the allotted time constitutes a recommendation of denial for the purposes of this Ordinance.
- 1.11.4 For a proposed amendment to be adopted, it must be approved by a majority vote of the Town Council if the change has been recommended by the Planning Board. If the change has not been recommended by the Planning Board, a two-thirds vote of the Town Council is necessary to adopt it.

Article 2: Design Standards

2.1 Subdivision Layout

- 2.1.1 **Buffer.** The Planning Board may require a buffer of no less than 25 feet deep when a proposed major subdivision is located adjacent to a use where separation is desirable, or in a rural area where a wooded buffer between an existing road and the proposed house lots would maintain the rural character of the area. Buffers must not be part of any individual house lot. Driveways and new roads may cross through the buffer strip.
- 2.1.2 **Road length.** The maximum length of any road segment where there is only a single point of entry from a connecting road is 2,000 feet, measured from the centerline of the connecting road to the furthest point of that road – a cul-de-sac or other turn-around, or on a loop road.
- 2.1.3 **Lots**
- 2.1.3.1 **Relation to zoning.** Lots for building purposes must be in compliance with the dimensional requirements of the Hampden Zoning Ordinance.
- 2.1.3.2 **Buildable Area.** All new lots created in the town after ____**[effective date]**____ must contain a minimum net useable area, which is to be contiguous land (not divided by a stream, waterbody, or road), of:
1. 20,000 square feet if the lot relies on an individual on-site sewage disposal system, or 10,000 square feet if the lot has access to the public sewer system.
 2. This provision does not apply to lots created for open space provided the lot has a permanent restriction prohibiting development.
 3. This provision is not to be interpreted as an increase or decrease in the minimum lot size required by the zoning ordinance, nor a decrease in the number of dwelling units which can be developed on a given tract of land.
- 2.1.3.3 **Non-buildable Lots.** Lots reserved for and permanently protected as open space or recreational lands are not required to meet the dimensional requirements of the zoning ordinance but must be clearly marked on the final subdivision plan as “non-buildable parcels”. The deed for such lots must also include restrictions prohibiting development.
- 2.1.3.4 **Reserved Areas.** Land areas reserved for future development (e.g. “remaining land”) must comply with the dimensional requirements of the zoning ordinance, even if the intent is to construct new roads to service future development.

2.1.3.5 Layout.

1. The proposed subdivision and street layout must conform as closely as practical to the adopted Comprehensive Plan or policy statement of the Town of Hampden.
2. Sidelines. Wherever possible, side lot lines should be perpendicular to the street. The Planning Board may approve other lot layouts when the alternative design will protect natural physical features such as wetlands or drainage ways.
3. Corner Lots. Corner lots should generally be larger than other lots to accommodate building setbacks on each street side.
4. Shape. Flag lots or other oddly shaped lots with narrow portions connecting a wider frontage to a wider portion in the rear are only permitted if they meet the requirements of Section 4.3 of the Zoning Ordinance, Rural Alternate Frontage Lots. Lots within the shoreland zone are subject to additional provisions under the Shoreland Zoning Ordinance.
5. Re-subdivision. The subdivision of tracts into lots with more than twice the required minimum lot size and frontage, thus creating the potential for future re-subdivision of lots, is discouraged. When such re-subdivision occurs, then regardless of the amount of time that has passed since the lot was created, a revised subdivision plan must be approved by the Planning Board and recorded in the Registry of Deeds.
6. Frontage. Every lot designated for development must have the frontage required by the Zoning Ordinance, as defined in the Zoning Ordinance.
7. Driveways must be located a minimum of 10 feet from the side property line unless a shared driveway is used, and a minimum of 40 feet from any street intersection.

2.1.4 Monuments

- 2.1.4.1 Monuments must be installed at all street intersections, at all points of change in direction or curvature of streets, at all lot corners, and at such other points where, in the opinion of the Board, permanent monuments are necessary.
 - 2.1.4.2 Monuments at all street lines must be at least 4" x 4" reinforced concrete or granite posts three feet in length with a drill hole in the center at the top and must be set flush with the finished grade. Where exposed ledge prevents the installation of such monuments, the Board may approve use of a drill hole and iron pipe for those specific locations only.
 - 2.1.4.3 Monuments at all other locations (e.g. rear lot corners) may be iron pipe or drill hole.
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- 2.1.4.4 No permanent monuments are to be installed until all construction which could destroy or disturb the monuments is completed.

2.2 Relation to Natural Features

2.2.1 Prevention of Erosion & Sedimentation

- 2.2.1.1 The proposed subdivision must prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
- 2.2.1.2 The procedures outlined in the erosion and sedimentation control plan are to be implemented during the site preparation, construction, and clean-up stages.
- 2.2.1.3 Cutting or removal of vegetation along waterbodies must not increase water temperature or result in shoreline erosion or sedimentation.
- 2.2.1.4 Topsoil is considered part of the subdivision and must not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations, unless the removal has received approval from the Planning Board under the applicable provisions of the zoning ordinance.

2.2.2 Natural Beauty & Aesthetics

- 2.2.2.1 The Planning Board may require that a proposed subdivision protect existing individual trees of 12-inch diameter or greater, or wooded areas along public roads to minimize the impact of the new development on the landscape.
- 2.2.2.2 If any area of a proposed subdivision is designated as a high value plant or animal habitat by the state of Maine (refer to the Maine Natural Areas Program), the proposal must indicate appropriate measures for the preservation of the values which qualify the site for such designation (e.g. the habitat will be protected within permanent open space).

2.2.3 Historic or Archeological Resources. If any portion of the subdivision is designated as a site of historic or archeological importance by the comprehensive plan, the National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the resource must be included in the plan in accordance with state or federal laws as applicable, and §3.8.3.2 or 3.8.4.2 of this ordinance, as applicable.

2.2.4 Significant Wildlife Habitat. If any portion of a proposed subdivision lies within areas identified and mapped by the Department of Inland Fisheries and Wildlife (*Beginning with Habitat* maps September 2018, as amended from time to time), as being important wildlife habitat for species appearing on the official state or federal lists of endangered or threatened species, high or moderate value waterfowl habitats, including nesting and feeding areas, or high or moderate value deer wintering areas, the applicant must demonstrate that there will be minimal impact on the habitat and species it supports. The plan must provide for protection of the identified resource in a manner acceptable to the Maine Department of Inland Fisheries and Wildlife or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the wildlife

resource being impacted. In the latter situation, the report prepared by the wildlife biologist must assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and must describe appropriate mitigation measures to ensure that the subdivision will have minimal impacts on the habitat and the species it supports.

2.2.5 Public Access to the Shoreline. Any existing public rights of access to the shoreline of a water body must be maintained by means of easements or rights-of-way or be included in the required open space with provisions made for continued public access.

2.2.6 Topography. Existing topography is to be preserved in the development of the land. Alterations to the existing topography be permitted that will have a detrimental impact on abutting properties or will alter topography on abutting properties without the express written consent of the abutting land owner, and in such cases a permanent easement must be obtained from the abutting land owner.

2.3 Infrastructure

2.3.1 Electric and Communication Utilities. Wherever possible, electric and communication utilities are to be placed underground and designed and installed within the street right-of-way but not under the pavement, in accordance with the regulations and standards of the applicable utility company. When underground placement is not possible, it is the applicant's responsibility to provide proof to the Planning Board that underground placement is impractical.

2.3.2 Water Supply

2.3.2.1 Public Water Supply:

1. All tracts proposed to be subdivided that are within 500 feet of the public water system must be connected to that system unless the Hampden Water District determines it has insufficient capacity to serve the population of the development. In such cases the Planning Board may approve private wells in accordance with §3.2.1.2, or a separate public water system to be owned and maintained by the developer or Homeowner's Association is installed to serve the development.
 2. The water supply infrastructure including mains, gate valves, hydrants, and service connection stubs (to the lot line) must be designed to the specifications of, and approved by, the Hampden Water District and the Hampden Public Safety Department. All costs associated with the design and construction are the responsibility of the applicant.
 3. When the off-site water system infrastructure proposed to be connected to is inadequate to serve the needs of the proposed development, the applicant must pay the cost of upgrades to the existing system as necessary to serve the potable and fire suppression needs of the subdivision.
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4. Water supply infrastructure should be located within the road right-of-way but not under the pavement to the greatest extent possible, and where it deviates, an easement must be provided to the Hampden Water District in accordance with their requirements.
5. When a proposed subdivision is located in an area not currently served by the Hampden Water District but where infrastructure extension is planned within the following 15 years, a “capped system” must be installed to allow future connection when service becomes available without the need to excavate the right-of-way to install the system.
6. For subdivisions where there is a high probability that additional development will occur (by the applicant or any other person or entity) that would only have access to the public water system through the proposed system, the water infrastructure should be designed and built to provide for the needs of said future development. In such cases, the Planning Board may consult with the Hampden Water District and the Public Works Department to determine whether there is any possibility for cost sharing for the larger pipes and fittings made necessary by such planning for the future. Construction of the infrastructure that does not provide for such future extension may preclude future development on affected lands.
7. All subdivisions, regardless of size, must provide an adequate water supply for fire suppression which must be approved by the Hampden Public Safety Department, and the Department of Public Works whenever fire hydrants are proposed, prior to final approval of the subdivision by the Planning Board. Where the public water supply is insufficient to meet the needs of the Public Safety Department, an alternative water supply is required; see §2.3.1.2.6 below.

2.3.2.2 Private Water Supply

1. Wherever a proposed subdivision is located in an area without access to the public water supply, or when the Hampden Water District determines there is insufficient capacity to serve the population of the proposed subdivision, either individual private wells or a private community system (which may be deemed a public water supply based on the number of dwelling units served) must be used to provide potable water to each dwelling.
 2. Individual wells are to be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
 3. The Planning Board may require certification that sufficient water is available for the foreseeable needs of the subdivision.
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4. Lot design must permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules (10-144 CMR 241) and the Well Drillers and Pump Installers Rules (144 CMR 232).
5. Dug wells are prohibited. This restriction must be included as a note on the final subdivision plan and as a deed restriction in each deed for the lots within the subdivision.
6. If a private community system is provided that meets the definition of a public water supply, the location and protection of the source, and the design, construction and operation of the system must conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
7. The subdivision must provide for a reliable water supply for fire suppression purposes. Acceptable methods include, but are not limited to, fire ponds with an approved dry hydrant, other water sources with an approved dry hydrant, underground storage tanks designed specifically for this purpose, or approved residential sprinkler systems in each dwelling unit. The design and location of the fire suppression infrastructure must be reviewed and approved by the Public Safety Department and the Department of Public Works. The maintenance and repair of the infrastructure, if located on-site, is the responsibility of a Homeowner's Association, with periodic inspections by the Public Safety Department. Where necessary, an easement must be granted to the Town for access to fire suppression infrastructure.

2.3.3 Sewage Disposal - Whenever a proposed subdivision is located within 500' from a public sewer line measured from any point of the tract being subdivided, the subdivision must be connected to the sewer system. The only exceptions to this requirement are when there are physical barriers (e.g. excessive ledge) between the tract and the sewer line that cause the cost of extension to the tract to be more than twice the cost if such barriers are absent, or when the Hampden Sewer Utility makes a determination that the existing sewer system in the area of the proposed subdivision has insufficient capacity to serve the subdivision and there is no potential for increasing the capacity of the system within five years of the date of the subdivision application submittal (initial submittal). The developer may either on his own or through a public/private partnership pay the cost of necessary improvements to accelerate the construction of such improvements to allow the subdivision to be approved and constructed sooner.

2.3.3.1 Public Sewer

1. The complete sanitary sewage system within the subdivision, including mains, manholes, pump stations, and laterals to the property line of each lot created must be installed and inspected at the expense of the applicant.
 2. All components of the sanitary sewage system must be designed by a professional engineer registered in the State of Maine and must comply
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with the requirements of the Hampden Sewer Ordinance. The Hampden Sewer Utility or their designee is to review and approve the construction drawings for the sewer system, including the size and location of laterals, collectors, manholes, and pump stations.

3. Sewer infrastructure that is designed within the street right-of-way should be installed under the pavement; in the center of the road is the preferred location but under the edge is acceptable provided the sewer line complies with required separation distances from other underground utilities.
4. When the road and utility infrastructure is proposed to be accepted by the Town and any portion of the sewer system is located outside of the road right-of-way, the developer must provide the Town of Hampden with utility easements. Such easements must be reviewed and approved by the Hampden Sewer Utility.

2.3.3.2 Private Sewage Disposal

1. Proposed subdivisions that are to be connected to the public system but which will not have any publicly owned infrastructure within the subdivision must submit legal documents showing evidence of the perpetual maintenance of all components of the private sewage system. Said documents must be reviewed by the Public Works Director, Town Manager, Town Attorney and Town engineering consultant, and a written recommendation to the Town Council for final approval of said documents must be submitted to the Planning Board prior to approval of the subdivision.
2. Individual private wastewater disposal systems or a private treatment facility with subsurface discharge designed to serve multiple dwelling units must be provided for subdivisions that are not connected to the public sewer system.
3. The developer must submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. The site evaluator must certify in writing that all test pits which meet the requirements for a new system represent an area large enough for a disposal area on soils which meet the Disposal Rules.
4. A second site with suitable soils must be shown as a reserve area for future replacement of the disposal area if the limiting factor has been identified as being within eighteen (18) inches of the surface, and if one or more of the following conditions exist. The reserve area must be shown on the plan and restricted by a notation on the plan and within the deed to the lot so as not to be built upon.
 - a. if the lot is less than one acre in size

- b. if the lot is located in a subdivision that has a net residential density of more than one unit per acre
 - c. if the lot is located outside of the existing and likely future service area of the public water system
 - d. if the lot includes a natural resource such as, but not limited to, being located over a mapped sand and gravel aquifer, or being in a shoreland area, or being within one hundred (100) horizontal feet of a high value wetland.
5. No lot can be created which would require a New System Variance from the Subsurface Wastewater Disposal Rules for the disposal area.

2.3.4 Stormwater Management

- 2.3.4.1 For subdivisions that require a DEP review under the Site Location of Development Act (SLODA), the stormwater management for the subdivision must comply with the Act and DEP's rules.
 - 2.3.4.2 For subdivisions that do not require a SLODA permit, but require a DEP permit under the Stormwater Law, the stormwater management for the subdivision must comply with the requirements of DEP Chapter 500 Stormwater Management Rules.
 - 2.3.4.3 For all subdivisions which disturb more than 20,000 square feet of land at full buildout, adequate provision must be made for the management of the quantity and quality of all stormwater generated within the subdivision through a management system using practices equivalent to those described in the current version of the Maine Stormwater Management Design Manual, published by the Maine Department of Environmental Protection. "Adequate provision" for stormwater quantity means the post-development peak discharge rate does not exceed the pre-development peak discharge rate for the design storm (see definition).
 - 2.3.4.4 The design of stormwater systems must be fully cognizant of off-site run-on which passes over or through the proposed subdivision. The system must be designed to pass off-site run-on and runoff from the subdivision generated by the design storm at full buildout, without surcharging the system.
 - 2.3.4.5 Subdivisions within the watershed of a lake most at risk from new development (Hermon Pond or Patten Pond) or within the watershed of an urban impaired stream (Shaw Brook or Sucker Brook) that include one acre or more of disturbed area must submit proof of compliance with DEP Chapter 502 *Direct Watersheds of Lakes Most At Risk From New Development, and Urban Impaired Streams Rules*.
 - 2.3.4.6 The plans and specifications for any stormwater system serving a proposed subdivision must be designed by a professional engineer licensed in the State of Maine and installed according to the approved plans.
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- 2.3.4.7 The developer must maintain all components of the stormwater management system until one of the following occurs:
 - 2.3.4.7.1 The system is formally accepted by the Town. Any stormwater component that is not part of a roadway proposed for public acceptance must be covered by an easement to the Town.
 - 2.3.4.7.2 The system is placed under the jurisdiction of a legally created property owners association. The association is responsible for maintenance of the system and must have adequate financing to carry out this responsibility. For subdivisions outside of the MS4 area, a stormwater maintenance agreement must be executed between the Town and the developer/future property owners. This agreement must be recorded at the Penobscot County Registry of Deeds and referenced on the Recording Plan and in the deeds to each lot within the subdivision. This agreement must include provisions for annual inspection of all components of the stormwater system by a qualified stormwater inspector, and provisions for correcting deficiencies identified. The agreement included in the Hampden Post-Construction Stormwater Management Ordinance may be used as a template.
- 2.3.4.8 For subdivisions where the infrastructure is proposed to be accepted by the Town, if any portion of the stormwater management system is located outside the road right-of-way, the developer must provide the Town with stormwater utility easements. Such easements must be reviewed and approved by the Hampden Department of Public Works prior to Planning Board approval. These easements must be a minimum of 30 feet wide, centered on the stormwater component, or in the case of a non-linear component must fully enclose the area of the facility plus 30 feet from the perimeter of the component (e.g. detention pond).
- 2.3.4.9 Where necessary as part of the stormwater management system, driveway culverts must be installed during road construction to ensure the system functions as designed. The driveway apron must be constructed over the culvert to provide access to the lot, however it is not necessary to pave the apron until the lot is developed.
- 2.3.4.10 All culverts must be sized based on the watershed upgradient of the culvert and in no case be smaller than 12 inches in diameter.
- 2.3.4.11 All components of the stormwater management system must comply with the most recent edition of the Maine DOT Standard Specifications and good engineering practices.

2.3.5 Solid Waste

Solid waste generated by occupants within the proposed subdivision must be handled in compliance with the Hampden Solid Waste Flow Control and Licensing Ordinance. If the additional solid waste from the proposed subdivision exceeds the capacity of the Town's solid waste facility, or causes the Town's facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the Town to exceed its contract with a non-municipal facility, the applicant must make alternate arrangements for the disposal of solid waste for a period not exceeding 5 years. The alternate arrangements must be at a disposal facility which is in compliance with its license.

2.3.6 Streets and Sidewalks

2.3.6.1 Street Layout

1. The street system of the proposed subdivision is to be designed to coordinate with existing, proposed, and planned streets. Wherever a proposed development abuts unplotted land or a future development phase of the same development, street stubs are to be provided as deemed necessary by the Planning Board to provide access to abutting properties or to logically extend the street system. All street stubs must be provided with temporary turn around or cul-de-sacs unless specifically exempted by the Planning Board with the recommendation of the Public Works Director, and the restoration and expansion of the street will be the responsibility of any future developer of the abutting land. Lanes and streets should connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections may not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
 2. Where necessary as determined by the Planning Board to safeguard against hazards to vehicle drivers, bicyclists and pedestrians, or to avoid traffic congestion, provision must be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways, transportation demand management techniques, and traffic controls within existing public streets.
 3. Where a subdivision abuts or contains an arterial street, no lot may have vehicular access directly to the arterial street. This restriction must be noted on the subdivision plan and in the deed of any lot which abuts the arterial street.
 4. Where a lot abuts two or more streets, the driveway access to the lot must be to the street with the lowest potential for creating hazards to traffic or pedestrians. This restriction must be noted on the subdivision plan and in the deed of any lot so affected.
 5. Street intersections must be as close to 90 degrees as possible, and in no case less than 60 degrees.
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6. Reserve strips of land controlling access to streets are prohibited except where the control of the strip is definitely placed with the Town under conditions approved by the Town Council.
7. Where a subdivision borders an existing narrow street (below the standards set herein), or when the comprehensive plan or capital improvement plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the preliminary and final plans must indicate reserved areas for the road improvements marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance.

2.3.6.2 State Permits

1. Accesses into the subdivision connecting to any state or state-aid highway must be granted a permit by the Maine Department of Transportation (DOT) under their *Highway Driveway and Entrance Rules*. **This permit must be issued prior to final subdivision approval.**
2. Accesses that are expected to carry more than 100 passenger vehicle equivalent trips in the peak hour must meet the minimum access permitting requirements of the Maine Department of Transportation *Rules and Regulations Pertaining to Traffic Movement Permits*.

2.3.6.3 Roadway Design Standards

1. Minimum sight distance requirements for all subdivision accesses connecting to external streets are contingent on the posted speed of the external street connecting to the subdivision access and must comply with the distances in the following table.

Posted Speed (MPH) of existing road that proposed road will intersect with	Sight Distance (feet)	
	Lane or Street	Nonresidential Street
20	155	230
25	200	300
30	250	375
35	305	455
40	360	540
45	425	635
50 ¹	495	740
Footnotes:		
1. The section of Main Road South (Route 1A) where the speed limit is 50 MPH is designated as a ME DOT “Mobility Arterial.” All new subdivision streets accessing in this section are required to have a minimum sight distance of 840 feet.		

2. Street design and construction standards. All new streets in the Town of Hampden must comply with the standards in the following table. For streets with design speeds greater than 30 mph, the Planning Board has the authority to increase these minimum standards. For streets that will remain private, see §2.3.6.3.4.

Item	Lane	Street	Nonresidential Street
ADT Volume	0-250	>250	Any
Number of lots/units	1-25	26+	Any
Minimum right-of-way width	66 ft	66 ft	100 ft
Minimum distance to street intersection	125 ft	200 ft	200 ft
Minimum centerline radii on curves	90 ft	165 ft	260 ft
Minimum tangent length between reverse curves	100 ft	200 ft	200 ft
Minimum K-factor, crest vertical curve (hill)	12	7	29
Minimum K-factor, sag vertical curve (dip)	17	26	49
Minimum radius at intersections	15 ft to lane 15 ft to street	20 ft to street	25 ft to street 25 ft to nonresid st
Minimum sight triangle easement (length along primary or existing street/length along secondary or new street)	75 ft/30 ft	150 ft/40 ft	200 ft/40 ft
Minimum pavement width	20 ft	24 ft	24 ft
Minimum shoulder width	2 ft	2 ft	3 ft
Minimum grade	0.5%	0.5%	0.5%
Maximum grade	8%	8%	8%
Distance from intersection where maximum grade is 3%	50 ft	75 ft	75 ft
Minimum road crown, centerline to edge of pavement	3 in	3 in	3 in
Dead end streets:			
Solid cul-de-sac			
Minimum right-of-way radius	50 ft	55 ft	60 ft
Minimum pavement radius	35 ft	40 ft	40 ft
Maximum pavement radius	40 ft	45 ft	45 ft
Open center cul-de-sac			
Minimum right-of-way radius	80 ft	80 ft	84 ft
Minimum inside pavement radius	50 ft	50 ft	50 ft
Minimum outside pavement radius	70 ft	70 ft	74 ft
Minimum pavement width	20 ft	20 ft	24 ft

Item	Lane	Street	Nonresidential Street
T or Y end	Permitted for lanes serving up to 10 units	Not Permitted	Not Permitted
Minimum pavement width	20 ft	NA	NA
Minimum length of T or Y	60 ft	NA	NA
Minimum depth of subgrade grading from top of pavement	26 in	28 in	34.5 in
Minimum depth of sub-base gravel	18 in	18 in	24 in
Minimum depth of upper base gravel	4 in	6 in	6 in
Minimum thickness of pavement – base course	2.5 in	2.5 in	3 in
Minimum thickness of pavement – surface course	1.5 in	1.5 in	1.5 in

3. All streets must comply with the following standards:

- a. The grades of streets should follow the existing topography to the greatest extent practicable.
- b. The steepest side slope permitted is three feet horizontal to one foot vertical (3:1) and all side slopes must have a minimum of six inches of loam and be seeded. The only exception to this standard is where there is a cut into ledge, where the exposed ledge may be up to one foot horizontal to four feet vertical (1:4). Where a side slope extends outside the required right-of-way, the boundary of the right-of-way must be adjusted to contain the entire side slope area.
- c. All underground utilities must be installed prior to paving to avoid cuts in the pavement, and wherever possible should not be installed under the pavement. All utilities to serve structures (e.g. houses) must be installed to the edge of the right-of-way prior to paving.
- d. The roadway area must be brought to the grade shown on the approved plan, profile, and cross-section using suitable gravel. The sub-base and base materials must meet the standards for aggregate courses as contained in the current edition of the ME DOT Standard Specifications.
- e. For paved streets, after the sub-base has been compacted to the appropriate degree, pavement meeting the requirements of the current edition of the ME DOT Standard Specifications is to be applied. Where new pavement abuts existing pavement, the existing pavement must be ground a minimum of 12 inches back from the joint and a butt joint used.
- f. The Planning Board may require curbing of streets.

- Existing trees within the center of an open center cul-de-sac must be preserved to the greatest extent practical, taking into consideration the need for space for snow storage. Where the location and the type of root system of a specific tree would have a negative impact on the pavement, it may be removed. Any other vegetation to remain or to be planted should be of a type that requires minimal maintenance. The use of low impact development best management practices within the open center is encouraged.
4. Private streets. For streets that are proposed to be private, the following modifications to the standards listed above apply. Any private street that is designed or constructed to these reduced standards will not be eligible for acceptance as a public way at any time unless the roadway is brought up to the standards for the applicable type (lane, street, or nonresidential) that are in effect at the time of the request for acceptance.
 - The minimum right-of-way width may be reduced to 50 feet for lanes and streets.
 - Pavement is optional for subdivisions of 4 or fewer lots for single family residences. All other subdivisions must have paved streets.
 - Unpaved lanes or streets must have a minimum thickness of 4 inches of surface gravel.
 - Paved lanes or streets may have pavement width as narrow as 16 feet.
 - The minimum distance from an intersection where the maximum grade is 3% is 100 feet for an unpaved road, to minimize material washing into the intersection.
5. Preparation of the right-of-way.
 - Before starting any clearing of the right-of-way, the center line and side lines of the new street must be staked or flagged at 50-foot intervals.
 - The entire right-of-way is not to be cleared. Only the area required for construction of the street, sidewalk, shoulders, stormwater management facilities, and underground utilities is to be cleared. Within that area, all vegetation including stumps, roots, and brush, and all shallow ledge and large boulders must be removed.
 - All organic materials or other deleterious material shall be removed to a depth of two feet below the sub grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub grade of the roadway. On soils which have been identified by the developer's engineer as not suitable for roadways, either the subsoil shall be removed to a depth of two feet below the sub grade and

replaced with material meeting the specifications for gravel aggregate sub-base below, or a ME DOT approved stabilization geotextile may be used.

2.3.6.4 Sidewalks

1. The Planning Board may require a sidewalk on one side of the street for any through-way street.
2. All sidewalks must be a minimum of 5 feet wide, separated from the edge of the street pavement with an esplanade of at least 6 feet in width.
3. All sidewalks must have a minimum of 9 inches of gravel base and be paved with a minimum of 2 inches of pavement laid down in two lifts of 1 inch each.
4. All sidewalks must comply with the Americans With Disabilities Act.

2.3.6.5 Street Names and Signage

1. Each street, regardless of ownership (public or private) in a proposed subdivision must be named in accordance with the Hampden E911 Addressing Ordinance.
2. Proposed street names must be shown on the sketch plan and must be approved by the Addressing Officer prior to Planning Board approval of the recording plan.
3. To assist in assigning addresses to the structures to be built within the subdivision, the final street layout plan must include markings every 50 feet along each edge of the street (pavement or gravel travel way) specifically for future address assignments.
4. All street signage including but not limited to stop signs and street name signs must be provided by and installed by the developer, must meet town specifications, and must be approved by the DPW Director.

2.3.6.6 Street Lighting. All streetlights shown on the subdivision plan are to be installed by the developer and must conform to the requirements of the Town and the utility company.

2.3.6.7 Street Trees. Street trees are required along roadways. Where no trees exist, such as open fields or lands where forest harvesting has eliminated the majority of trees worthy of preservation, trees must be planted approximately 50 feet apart, with flexibility to account for driveway locations, utility poles, and other infrastructure facilities that would preclude the planting of a tree, including underground utilities and private service connections. Appropriate species must be chosen to minimize maintenance, negative impacts on stormwater management systems or underground utilities, and impacts from overhead utility

lines. Where necessary, the Planning Board may waive the requirement for street trees on one side of the street to avoid overhead or underground utility conflicts. Where existing trees are present, the plans must show which are to be retained to fulfil the intent of the above, and appropriate measures must be taken to protect such trees from damage during construction. Any trees noted to be retained which are either cut or die as a result of construction must be replaced with new trees per the guidance above prior to the issuance of a Certificate of Compliance for the subdivision.

2.3.6.8 Postal Delivery

1. All new subdivisions must comply with the United States Postal Service (USPS) requirements for mail delivery. In most cases for major subdivisions, this will require the placement of a centralized delivery structure. This structure must be shown on the preliminary subdivision plan and must be designed with a pull-off area large enough for at least two cars to pull off the traveled way.
2. Where individual mailboxes are permitted by the USPS, they must be mounted on “gooseneck” type posts which must be installed in the ground a minimum of 4 feet from the edge of pavement and the bottom of the mail receptacle must be 45 inches from the ground to allow for clearance space for plows.

Article 3: Procedures

3.1 General Procedure

- 3.1.1 All subdivision applications must submit two copies of a sketch plan to the Town Planner for a determination of the type of subdivision (minor or major, standard or cluster) and the type of road (lane, street, or nonresidential).
- 3.1.2 The Town Planner must make a determination of the subdivision type and process to follow and notify the applicant of such in writing within 14 calendar days of the submission of the sketch plan. In the event the applicant disagrees with the decision, the Planning Board will make the final determination at their next available meeting.

3.2 Minor Subdivisions

- 3.2.1 Application. Upon receipt of 14 copies of the minor subdivision plan and recording plan, the Town Planner will:
 - 3.2.1.1 Provide a written, dated receipt to the applicant;
 - 3.2.1.2 Review the application and make a determination whether it is complete; if it is not complete then notify the applicant in writing that it is not complete, noting missing items;
 - 3.2.1.3 Place the application on the next available Planning Board agenda in compliance with the published application deadline schedule; and
 - 3.2.1.4 Mail to the following via first class mail a notification letter providing the location of and a description of the proposed subdivision:
 - 1. All abutters within 300 feet of the parent parcel
 - 2. Any municipality abutting the parent parcel
 - 3. Any public drinking water supplier if the subdivision is within their source water protection area.
 - 3.2.2 Planning Board Action. At the Planning Board meeting, the applicant is to make a presentation of the proposal and staff comments are provided. The Planning Board will then deliberate on the application and unless they make a finding that the application does not meet the approval criteria, or additional information is needed, they will take action on the application. Such action may be approval as submitted, approval with conditions, or denial. If approved and no conditions are placed which require a modification of the plan, the Board will sign the subdivision plan; otherwise a revised final plan must be submitted for review to determine compliance with any conditions that required plan modification, and once ready, the Board will sign the plan. A Board Order will also be prepared and signed by the Planning Board; it will list any conditions placed on the approval.
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3.3 Major Subdivisions

3.3.1 Sketch Plan:

- 3.3.1.1 Upon determination by the Town Planner that the proposed subdivision is a major subdivision (see §3.1.2), the Planner will distribute the sketch plan to the Staff Review Committee and the Planning Board. The purpose of this step is to provide an opportunity for the applicant to describe the proposed project and solicit comments from staff and the Planning Board which may be helpful to the applicant prior to the expenditure of substantial sums of money for surveying and engineering work.
- 3.3.1.2 The Town Planner will place the sketch plan on the next available Planning Board agenda in compliance with the published application deadline schedule.
- 3.3.1.3 At the Planning Board meeting, the Board and applicant are to discuss the sketch plan and any comments are non-binding and are to be presented verbally to the applicant.

3.3.2 Preliminary Plan:

- 3.3.2.1 The applicant is to submit 5 full size copies of the preliminary subdivision plan with all required documentation, fees, and escrow account deposit within 6 months of the Planning Board meeting on the sketch plan. If more than 6 months has passed, then the sketch plan must be resubmitted. If any amendments to the Zoning or Subdivision Ordinances have become effective since the submission of the sketch plan, the preliminary plan must comply with those amendments.
 - 3.3.2.2 The Town Planner will place the preliminary plan on the next available Planning Board agenda for a Public Hearing in compliance with the published application deadline schedule.
 - 3.3.2.3 Public hearing notification:
 - 1. Must include the date, time, and place of the hearing, the location of the proposed subdivision, and a general description of the project
 - 2. Town staff will mail the notification via first class mail to the applicant, the applicant's agent if applicable, and to each abutter within 300 feet of the parent parcel
 - 3. Town staff will place the notice for publication in a newspaper of general circulation in Hampden which must be published twice, with the date of the first publication 7 or more days prior to the hearing
 - 3.3.2.4 The Town Planner will distribute the application to the Staff Review Committee and to the reviewing engineer for review, with a due date for comments 21 days from the receipt of the application from the applicant.
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- 3.3.2.5 The Town Planner will submit a written preliminary report including all comments received from the staff and engineer to the applicant within 26 days of receipt of the application.
- 3.3.2.6 If modifications are necessary, the applicant must submit 14 copies of a revised preliminary plan with all required documentation at least 9 days prior to the scheduled Planning Board meeting. If no modifications are necessary, the applicant must submit 9 copies of the plan and all required documentation within this timeframe.
- 3.3.2.7 The Town Planner will distribute the preliminary plan to the Planning Board, and if applicable, to the Staff Review Committee and reviewing engineer, along with a report from the Town Planner.
- 3.3.2.8 The public hearing will be held in accordance with the Planning Board Bylaws, and upon completion of the hearing, the Planning Board, within 30 days of the conclusion of the public hearing, must take action on the application. The Board and the applicant may agree to a longer timeframe when circumstances warrant. The Planning Board action may be any of the following, to be noted as appropriate in a written Board Order, which must include findings of fact regarding the approval criteria:
 - 1. Approval of the preliminary plan as submitted.
 - 2. Approval of the preliminary plan with conditions that the Board considers advisable to satisfy the approval criteria or any other local regulation, or to protect the public's health, safety, and general welfare. The Board Order should include a listing of modifications necessary to be made to the proposed plan for the final plan submission, and any waiver requests that the Board agrees to.
 - 3. Denial of the preliminary plan, in which case the Board Order must include formal findings of fact that support the denial.
 - 4. Failure of the Planning Board to take action within the 30-day timeframe will result in an automatic approval with no conditions.

3.3.3 Final Approval, Recording Plan

- 3.3.3.1 The applicant must submit 14 copies of the recording plan with the application form, improvement guarantee, and application fee within 6 months of the Board Order on the preliminary plan. If more than 6 months has passed, then the preliminary plan must be resubmitted. If any amendments to the Zoning or Subdivision Ordinances have become effective since the submission of the preliminary plan, the preliminary and recording plans must comply with those amendments. In cases where delays have been caused by other regulatory bodies such that the 6 month deadline cannot be met, the applicant can, prior to the deadline, request in writing an extension which states the reasons for the

request and a proposed extension timeframe. At its next available meeting, the Planning Board must consider the request and may grant it or deny it. In deliberating on the request, the Board should consider whether they believe the applicant has been making progress in preparation of the recording plan and in pursuing approval from other agencies.

- 3.3.3.2 The Town Planner will place the application on the next available Planning Board agenda in compliance with the published application deadline schedule.
- 3.3.3.3 The Town Planner will distribute the application to the Staff Review Committee for review, with a due date for comments 14 days from the receipt of the application from the applicant.
- 3.3.3.4 The Town Planner will distribute the application to the Planning Board along with a report including all staff comments.
- 3.3.3.5 The Planning Board must make a decision within 60 days of the application submittal unless there is a written agreement between the applicant and the Board to extend the timeframe. A Board Order must be prepared which includes findings of fact regarding the approval criteria and, if necessary, any conditions to ensure the approval criteria are met.

3.4 Amendments to An Approved Subdivision Plan

- 3.4.1 Any modification to an approved subdivision plan must be approved by the Planning Board prior to recording said modified plan at the registry of deeds, regardless of when the subdivision approval was granted in relation to when the modification is requested. This is to ensure compliance with Title 30-A MRSA §4406 paragraph 1(E).
 - 3.4.2 A modification that does not create any new lots or housing units and that maintains the general design of the approved subdivision should follow the procedures under Minor Subdivision (§3.2). This includes the combining of two or more lots into a single lot.
 - 3.4.3 Any other modification (e.g. creates new lots or housing units, or is a substantial deviation from the approved subdivision plan such as changes to overall layout) must follow the procedures for Major Subdivision, preliminary plan (§3.3.2) and final plan (§3.3.3).
 - 3.4.4 The submission requirements of §3.7 should be adhered to only to the extent necessary to provide the Planning Board with sufficient information for them to determine that the proposed modifications are in compliance with the approval criteria. The Board reserves the right to require additional information than what is submitted when they believe such information is needed for them to make a decision on the application.
 - 3.4.5 In all cases the revised final subdivision plan must include the title of the subdivision and the recording information from the registry of deeds of the original and any subsequent approved plans (e.g. book and page or cabinet and sheet).
 - 3.4.6 The Planning Board's review is limited to those portions of the subdivision plan that are proposed to be modified, and the impacts and effects of such modifications.
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- 3.5 Appeals. An appeal may be taken by any party, within 30 days from the Planning Board's decision on the Recording Plan, to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.
- 3.6 Improvement Guarantee. All subdivisions which involve the construction of any improvements necessary for access to, or utilities for, the lots within the subdivision, including but not limited to roads, sidewalks, stormwater management facilities, sewer lines, water lines, water sources for firefighting purposes, but excluding power or communication infrastructure, must provide an improvement guarantee in accordance with this section.
- 3.6.1 Types of Guarantees. Any one or a combination of the following are acceptable:
- 3.6.1.1 An escrow account funded by cash or a certified check payable to the Town of Hampden and governed by an escrow agreement in a form reviewed by the Town Attorney and accepted by the Town Manager. Any interest earned on the escrow account shall be returned to the developer.
 - 3.6.1.2 An escrow account funded by a savings account or certificate of deposit naming the Town of Hampden as escrow agent.
 - 3.6.1.3 An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, reviewed by the Town Attorney and approved [accepted?] by the Town Manager. The letter of credit must indicate that the funds are solely for the use of the specific subdivision and must include the procedures for the release of funds to the developer, and if necessary, the Town.
 - 3.6.1.4 A performance bond running to the Town of Hampden issued by a surety company licensed to do business in the State of Maine, reviewed by the Town Attorney and accepted by the Town Manager. The performance bond must indicate that the bond covers only the specific subdivision, set forth the conditions of the bond, the method for release of all or a portion of the bond to the developer, and the procedures for collection by the Town.
- 3.6.2 Amount and Content. The amount of the guarantee shall be 125 percent of the cost of furnishing, installing, connecting and completing in good working condition all of the roads, storm drainage system, sewer and water systems, water supplies for fire suppression, recreational amenities, and other similar improvements, as specified in the final approval. The improvement guarantee must be based on a construction schedule, including cost estimates for each major phase of construction taking into account inflation and provisions for inspections of each phase of construction. The improvement guarantee instrument must specify a date after which the developer will be in default and the Town will have access to the funds to finish construction. The improvement guarantee may, at the discretion of the Town, provide for partial releases of the improvement guarantee amount as specific portions of the required improvements are completed, but any requested release can only be made after approval by the Town Manager with a positive recommendation by the Director of Public Works.
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- 3.6.3 Duration. The improvement guarantee must remain in force for the entire period during which development of the subdivision occurs, or in the case of default, while the Town pursues its remedies for default, until the guarantee is released by the Town in accordance with §3.6.6. If the time frame for constructing the improvements covered by the guarantee is extended, the improvement guarantee shall also be extended. If an improvement guarantee expires and is not renewed, the Town will deny any request for public acceptance of any infrastructure within the subdivision.
 - 3.6.4 Building Permits. Per §5.3.1.2 of the Hampden Zoning Ordinance, a building permit may be issued for a new structure on a lot within a new subdivision prior to completion of the road and other infrastructure, but no Certificate of Occupancy will be issued until compliance with §5.3.2.1.4 of the Zoning Ordinance is proven.
 - 3.6.5 Phased Construction. The Planning Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by an improvement guarantee. When development is phased, road construction must commence from an existing public way. Final approval of lots in subsequent phases must not be granted until all requirements pertaining to previous phases have been completed to the satisfaction of the Town.
 - 3.6.6 Release of Guarantee. Prior to the release of any part of the improvement guarantee, the Town Manager shall determine to his/her satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested. The decision of the Town Manager is to be based upon a report from the inspecting engineer, the Director of Public Works, and any other town departments or outside agencies who may be involved.
 - 3.6.7 Default. The improvement guarantee instrument must specify a date after which the developer will be in default and the Town will have access to the funds to finish construction. The improvement guarantee may, at the discretion of the Town, provide for partial releases of the performance guarantee amount as specific portions of the required improvements are completed.
- 3.7 Construction
- 3.7.1 Pre-construction Meeting. Prior to the initiation of construction (including clearing and grubbing of the site), a pre-construction meeting must be held with the developer, Director of Public Works, Hampden Water District (if applicable), Town Planner, and Code Enforcement Officer. Evidence of issuance of required state and local permits that were obtained after final approval of the plans by the Planning Board must be submitted by the developer at this meeting. The purpose of this meeting is to ensure that the town staff can arrange for inspections to assure that all specifications, requirements, and conditions of the subdivision approval are met during the construction of required improvements, and to assure the satisfactory completion of those improvements.
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3.7.2 Requirements Prior to Construction.

3.7.2.1 Deposit with the Town an inspection fee in accordance with the Fees Ordinance. This money is to be deposited in a separate Construction Inspection Draw Account specific to the subdivision.

3.7.2.2 Construction entrance/exit. A pad of coarse aggregate must be installed at each construction entrance/exit for the purpose of removing soil from the tires of vehicles exiting the site. This pad must be a minimum of 75 feet in length and 24 feet in width, constructed with angular aggregate of 2-3 inch diameter, a minimum of 6 inches deep, placed over a geotextile filter fabric to prevent stones from being pushed into the underlying soil. As needed, diversion ridges or berms should be used to divert runoff to a sediment trap. An alternative design may be approved by the Director of Public Works. If the pad becomes clogged with sediment it should be replaced. If sediment is tracked onto any public road, the developer is responsible for cleaning it off in an appropriate manner (e.g. use of a street sweeper) within 24 hours of being notified by the town that cleaning is required, or for paying the cost if the town sweeps it up.

3.7.2.3 Development sign. The developer must post a 24"x36" weather resistant sign at the entrance of the subdivision which states the name of the project, the hours of operation, the phone number of the developer, and the phone number of the Hampden Public Safety Department.

3.7.3 Permitted Construction Times. No construction activity which may cause noise, vibrations, glare, dust, debris, or other detrimental impact to abutting property owners shall be permitted earlier than 7:00 am or later than 7:00 pm Monday through Saturday or earlier than 9:00 am or later than 5:00 pm on Sunday. The Planning Board reserves the right to set different construction times as a condition of approval on the Final Subdivision Plan.

3.7.4 Debris and Trash. The site shall be kept reasonably clear of construction debris and trash, and said debris and trash shall be removed periodically from the site. Debris or trash which becomes a nuisance to abutters shall be removed by the developer immediately upon notification by the Town or its representative.

3.7.5 Dust Control Measures. Measures must be in place while sweeping and during construction, using proper dust control methods.

3.7.6 Stockpiling. Materials shall only be stockpiled in the locations as shown on the plans and shall be screened from the view of existing homes on any abutting property to the extent practicable. All stockpiles shall be removed by the developer upon completion of the infrastructure and prior to release of any portion of the improvement guarantee.

3.7.7 Inspections.

3.7.7.1 Inspections required. The Town must designate a professional engineer qualified to conduct field inspections to serve as the inspecting engineer for the

subdivision. The inspecting engineer will serve under the guidance of the Director of Public Works. The developer is responsible for paying all costs associated with the inspections by the inspecting engineer, via the Construction Inspection Draw Account.

- 3.7.7.2 Inspection schedule. The following inspections are required, and additional inspections may be required at the direction of the Director of Public Works:
1. construction stakeout of roads and lots
 2. installation of erosion control measures
 3. after land clearing and grubbing
 4. sewer installation (this does not replace any inspections required by the Sewer Ordinance, although if arranged in advance a single inspection may satisfy both needs)
 5. water installation (this does not replace any inspections required by the Hampden Water District, although if arranged in advance a single inspection may satisfy both needs)
 6. utility installations (electric, cable, telephone, gas, streetlights; this inspection will be made at the discretion of the inspecting engineer)
 7. stormwater management system installation (may require more than one inspection depending on construction sequence)
 8. roadway:
 - a. subgrade excavation and compaction
 - b. gravel base and compaction
 - c. curbing installation
 - d. sidewalks
 - e. proof rolling for pavement
 - f. base course installation
 - g. top course installation
 - h. guardrail, wall installation (if applicable)
 9. loam, seed, and fertilizer installation, or other stabilization methods where appropriate or where required by the DEP
 10. street tree planting
 11. street sign installation
 12. monumentation for streets and lots
 13. final clean-up of the site
- 3.7.7.3 Requests for inspections. The developer is responsible for contacting the inspecting engineer a minimum of two working days prior to requested inspections, and for maintaining communication with the engineer to ensure an efficient construction process.
- 3.7.7.4 Failed inspections. If any deficiencies in construction are found by the inspecting engineer, the developer shall be notified in writing of the deficiencies and the required corrective measures within two working days, as well as verbally in person or by phone as soon after the inspection as possible. A copy of the
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written notice shall be submitted to the Director of Public Works, the Town Planner, and any other applicable Town department.

- 3.7.7.5 Failure to receive inspection. If any required inspection is not performed due to negligence of any kind on the part of the developer (including but not limited to failure to notify the inspecting engineer in a timely fashion or continuation of work prior to a scheduled inspection), the Director of Public Works, with the advice of the inspecting engineer, reserves the right to require that the un-inspected work be uncovered and inspected, or if feasible, that a third party testing company perform appropriate tests to determine the adequacy of the work prior to continuation of construction. Subdivision roadways and related infrastructure that do not pass all required inspections will not be recommended for acceptance until all deficiencies are corrected.
- 3.7.8 Field Changes. If at any time before or during the construction of the required improvements the subdivider demonstrates to the satisfaction of the Director of Public Works that unforeseen conditions make it desirable to modify the design of such improvements, the Director of Public Works may, in consultation with the inspecting engineer and Town Planner, authorize modifications provided that they are within the spirit and intent of the Planning Board approval and do not constitute waiver or substantial alteration of the function of any improvements required by the Planning Board. The Director of Public Works shall issue any authorization under this section in writing, and shall transmit a copy of such authorization to the Town Planner and Planning Board.
- 3.7.9 Damage. Any damage to existing public or private streets caused by the construction of the subdivision shall be repaired and paid for by the developer. The developer is responsible for documenting before and after conditions of these roads as proof for determining damage caused by their construction. Final release of any sureties shall not be made until any damage to local streets caused by the construction of the subdivision are repaired and pass inspection by the inspecting engineer and/or the Director of Public Works.
- 3.7.10 Maintenance Responsibility. The developer is required to maintain all improvements, provide for snow removal on streets and sidewalks, and pay for any street lighting until acceptance of the improvements by the Town or control is placed with a lot owners' association.
- 3.7.11 Time For Completion of Improvements. All improvements must be completed within two years from the date of the approval of the Recording Plan, as recorded on the subdivision plat, with extensions to this deadline only as follows: the developer can, prior to the deadline, request in writing an extension which states the reasons for the request and a proposed extension timeframe. At its next available meeting, the Planning Board must consider the request and may grant it or deny it. In deliberating on the request, the Board should consider whether they believe the developer has been making progress in construction of the subdivision improvements. Failure to complete the improvements within
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the two-year period, or as extended by the Board, will result in the Town declaring default and pursuing remedies through the improvement guarantee.

- 3.7.12 End of Construction Season. In the event construction of the infrastructure is not completed before the end of the construction season, then the inspecting engineer must inspect the site for the adequacy of the stormwater and erosion control measures to adequately handle stormwater and prevent erosion and sedimentation through the non-construction season. The inspecting engineer must submit a written report on his/her findings and any recommended actions to address problems or potential problems to the Director of Public Works and the developer within 14 days of the inspection. If remedial actions are needed, the developer must implement them within 14 days of the date of the inspecting engineers report. The inspecting engineer must then re-inspect the site; this process is to continue until the site is in satisfactory condition to sit until the next construction season.
- 3.7.13 As-Built Survey. Upon completion of construction, the subdivider must present to the Town two copies of an as-built survey and digital files in a format suitable for import into the Town Geographic Information System (GIS). The as-built survey must include the seal of an engineer registered in the State of Maine, distances, angles, bearings, and elevations for complete and accurate determinations of locations on the ground of right-of-way monuments as set, as-built profiles of the centerlines of traveled ways, ledge elevations encountered during construction, and information on the locations, size, materials and elevations of all stormwater management components, sanitary sewer components, fire suppression facilities (e.g. dry hydrant or storage tank), and other underground utility lines, including but not limited to water, electric, and communication. Failure to submit the as-built survey will result in the Town denying any request for public acceptance of any infrastructure in the subdivision.
- 3.7.14 Final Disposition. For roads designed with the intention of them becoming public ways, the process for acceptance by the Town is provided in the Town Ways Ordinance. For roads designed with the intention of them being private, final disposition is the responsibility of the developer.

3.8 Submission Requirements

3.8.1 Sketch Plan.

- 3.8.1.1 The sketch plan does not have to be drawn to scale, and does not need to be more involved than a pencil sketch.
- 3.8.1.2 The sketch plan must include the following information as applicable:
1. applicant's name and subdivision name
 2. date, north arrow, and (if used) the scale
 3. tax map and parcel number(s) of the tract being subdivided
 4. tract boundaries per the tax map or a survey
 5. the general layout of the proposed subdivision including streets, lots for development, and open spaces
 6. topography per USGS data, including rivers, streams, and ponds

7. general location of various landcover types – wooded, field, wetland, rock outcrop, etc.
8. general location of floodplain
9. general location of any historic or archeological sites
10. general location of existing structures
11. existing easements or restrictions
12. the location and size of water or sewer utilities to which connection is planned
13. any potential sources of fire protection water supply within one-half mile of the site (public water system, existing fire ponds, other water sources).

3.8.2 Recording Plan. This plan is to contain only that information which is relevant to the transfer of an interest in the property, including:

- 3.8.2.1 The proposed name of the subdivision or identifying title.
- 3.8.2.2 A vicinity map showing the location of the subdivision in relation to the surrounding area, at a scale sufficient to include recognizable intersections or landmarks (e.g. 1:1000 or 1:2000).
- 3.8.2.3 The assessor's map and lot number(s) for the tract.
- 3.8.2.4 The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- 3.8.2.5 The names of abutting property owners including those across a street or stream, as indicated in the town's tax assessment data and no older than six months from the date of the initial submission of the minor subdivision plan or major preliminary subdivision plan.
- 3.8.2.6 The date the plan was prepared, north point, and graphic map scale.
- 3.8.2.7 Space for recording plan revision dates with notations on what the revisions were.
- 3.8.2.8 The name, registration number, seal, and signature of the registered land surveyor who prepared the plan, and the date signed by the surveyor.
- 3.8.2.9 The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
- 3.8.2.10 A standard boundary survey of the tract, giving complete descriptive data by bearings and distances.
- 3.8.2.11 The subdivision layout, with sufficient data to determine the location, bearing and length of every line on the ground, including:
 1. lots for development, with notation of the lot size in acres or square feet, and the lot number enclosed in a circle
 2. any existing or new easements, including notation on the purpose of the easement
 3. any stormwater buffers
 4. any new streets
 5. any lots for open space
 6. These lines shall be tied to previously established reference points.
 7. The type of monument found or to be set at each lot corner and change in direction of right-of-way lines must be indicated (e.g. granite or concrete post, iron pin, or drill hole in rock).

- 3.8.2.12 The location of wetlands and vernal pools.
- 3.8.2.13 Where connection to the public sewer system is not possible, the location of all soil test pits including an indication of which pits are suitable for the installation of a subsurface wastewater disposal system.
- 3.8.2.14 Suitable space for the Planning Board to record their approval which must include a signature block, space for the dates approved by and signed by the Board, and space for recording any conditions or other pertinent notations.
- 3.8.2.15 If the street is to remain private, a notation must appear on the Recording Plan stating the road is private and will never be maintained or accepted by the Town of Hampden unless the roadway is improved to the road standards in the Subdivision Ordinance in effect at the time of application or request for public acceptance.

3.8.3 Minor Subdivision Plan

3.8.3.1 Application

1. The application form filled out completely and signed by both the applicant and owner of the tract being subdivided.
2. A copy of the most recently recorded deed(s) for the tract.
3. Existing and any proposed deed restrictions, easements, rights-of-way, or other encumbrances.
4. Wastewater treatment:
 - a. If public sewer is available to serve the proposed lots, a written statement from the Director of Public Works that the Sewer District has the capacity to collect and treat the wastewater, or
 - b. If public sewer is not available, subsurface wastewater test pit analyses for each lot, prepared by a Licensed Site Evaluator.
5. Potable Water supply:
 - a. If public water is available, a written statement from the Hampden Water District that there is adequate supply and pressure for the new lots, or
 - b. If public water is not available, evidence of adequate ground water supply and quality for individual private wells for each lot by a well driller or a hydro geologist familiar with the area.
6. A written statement from the Public Safety Department that water supply needs for fire protection have been adequately met.
7. Agreements or other documents showing the manner in which any proposed open spaces are to be retained by the developer or lot owners.
8. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title.
9. Cost of the proposed subdivision and evidence of financial capacity to complete the project.
10. Written verification of right, title, or interest in the property.

- #### 3.8.3.2 State and Federal Permits. Copies of the following applications and permits or approvals when applicable:

1. Army Corps of Engineers if a permit under Section 404 of the Clean Water Act is required.
2. Maine DEP, e.g. NRPA, MEPDES, Stormwater.
3. Maine DOT Highway Entrance/Driveway Access Permits.
4. Confirmation that the Maine Historic Preservation Office received a copy of the proposed plan and proof that any mitigation measures required have been met.

3.8.3.3 Location Map. The location map is to be drawn at a scale of not more than 1-inch equals 400-feet to show the proposed subdivision in relation to the surrounding area. The map is to show all areas within 1,000 feet of any property line of the proposed subdivision, including:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing streets.
3. Zoning boundaries and designations.
4. Outline of the proposed subdivision and any contiguous land in common ownership with the owner of the proposed subdivision.

3.8.3.4 Subdivision Plan.

1. The plan is to be drawn at a scale of 1" = no more than 100'.
2. The plan is to be an appropriate size to legibly show all information, no smaller than 11" by 17" and no larger than 36" by 48". Multiple sheets are acceptable when necessary; an index sheet should be included when four or more sheets are used.
3. The plan must show the entire tract being subdivided, including any "remaining" land. Tract boundaries that are not near the proposed new lots do not need to be surveyed, but need to be shown based on the most accurate information available (e.g. from the deed description).
4. The proposed name of the subdivision or identifying title.
5. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
6. The date the plan was prepared, north point, and graphic map scale.
7. Space for recording plan revision dates with notations on what the revisions were.
8. Location and names of any existing public or private roads abutting the tract.
9. Location of any existing buildings on the tract with a notation whether they are to remain or be removed.
10. The subdivision layout, with sufficient data to determine the location, bearing and length of every line on the ground, including:
 - a. lots for development, with notation of the lot size in acres or square feet, and the lot number enclosed in a circle
 - b. any existing or proposed easements, including notation on the purpose of the easement
 - c. any lots for proposed open spaces

11. An indication of land cover, such as a tree line, a note stating the site is wooded or open field, etc.
12. Boundaries of any flood hazard areas on the tract as depicted on the municipality's Flood Insurance Rate Map.
13. Location of any watercourses, wetlands, or other natural features on or adjacent to the tract.
14. When public sewer is not available, the location of soil test pits (minimum one per lot) including an indication of which areas are suitable for the installation of a subsurface wastewater disposal system.

3.8.4 Major Subdivision Preliminary Plan.

3.8.4.1 Application

1. The application form filled out completely and signed by both the applicant and owner of the tract being subdivided.
 2. A copy of the most recently recorded deed(s) for the tract.
 3. Existing and any proposed deed restrictions, easements, rights-of-way, or other encumbrances.
 4. Any subdivision proposing a private street that will serve 5 or more lots must submit a draft of legal documents providing for the perpetual maintenance of the private street, including snow and ice removal.
 5. Wastewater treatment:
 - a. If public sewer is available to serve the proposed lots, a written statement from the Director of Public Works that the Sewer District has the capacity to collect and treat the wastewater, or
 - b. If public sewer is not available, subsurface wastewater test pit analyses for each lot, prepared by a Licensed Site Evaluator.
 6. Potable Water supply:
 - a. If public water is available, a written statement from the Hampden Water District that there is adequate supply and pressure for the new lots, or
 - b. If public water is not available, evidence of adequate ground water supply and quality for individual private wells for each lot by a well driller or a hydro geologist familiar with the area.
 7. A written statement from the Public Safety Department that water supply needs for fire protection have been adequately met.
 8. A written statement from the Public Works Director that the proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste.
 9. Agreements or other documents showing the manner in which any proposed open spaces are to be retained by the developer or lot owners.
 10. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title.
 11. Cost of the proposed subdivision and evidence of financial capacity to complete the project.
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12. Written verification of right, title, or interest in the property.
13. The estimated trip generation of the subdivision, provided in average daily total volume, am peak hour volume, and pm peak hour volume.
14. Homeowners Association (or similar type of organization responsible for any commonly held land or facilities) documents where applicable.
15. Copy of any new easements to the Town or the Hampden Water District.

3.8.4.2 State and Federal Permits or Approvals. Copies of the following applications and permits or approvals when applicable:

1. Army Corps of Engineers if a permit under Section 404 of the Clean Water Act is required.
2. Maine DEP, e.g. SLODA, NRPA, MEPDES, Stormwater.
3. Maine DOT, e.g. Highway Entrance/Driveway Access or Traffic Movement.
4. Maine DHS for public water system and/or engineered subsurface wastewater disposal system.
5. Confirmation that the Maine Historic Preservation Office received a copy of the proposed plan and proof that any mitigation measures required have been met.

3.8.4.3 Location Map. The location map is to be drawn at a scale of not more than 1 - inch equals 500-feet to show the proposed subdivision in relation to the surrounding area. The map is to show all areas within 2,000 feet of any property line of the proposed subdivision, including:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing streets.
3. Zoning boundaries and designations.
4. Outline of the proposed subdivision and any contiguous land in common ownership with the owner of the proposed subdivision.

3.8.4.4 Subdivision Plan

1. The plan is to be drawn at a scale of 1" = no more than 100'.
 2. The plan is to be an appropriate size to legibly show all information, no smaller than 11" by 17" and no larger than 36" by 48". Multiple sheets are acceptable when necessary; an index sheet should be included when four or more sheets are used.
 3. The plan must show the entire tract being subdivided, including any "remaining" land and including any abutting land in common ownership.
 4. The proposed name of the subdivision or identifying title.
 5. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
 6. The date the plan was prepared, north point, and graphic map scale.
 7. Space for recording plan revision dates with notations on what the revisions were.
 8. Acreage of the tract and (based on number of lots or units) the density of the proposed development.
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9. Dimensional requirements for the lots per the Zoning Ordinance in effect at the time of application, plus the acreage of the tract within road rights-of-way, other infrastructure or utility easements, open space, and the total acreage of the lots for development.
10. Acreage of wetlands within the tract, plus the acreage of wetland impacts due to road or other infrastructure construction.
11. Location and names of any existing public or private roads abutting the tract.
12. Location and size of existing sewer, water, and stormwater management facilities on or adjacent to the tract, or to which connection is planned.
13. Location of any existing buildings on the tract with a notation whether they are to remain or be removed.
14. The subdivision layout, with sufficient data to determine the location, bearing and length of every line on the ground, including:
 - a. lots for development, with notation of the lot size in acres or square feet, and the lot number enclosed in a circle
 - b. any existing or proposed easements, including notation on the purpose of the easement
 - c. any lots for proposed open spaces
 - d. all rights-of-way
15. The location, type, and size of trees over 12" DBH, an indication of land cover on the tract (such as a tree line, a note stating the site is wooded or open field, etc.), natural vegetation to be left in place, and any proposed landscaping.
16. Boundaries of any flood hazard areas on the tract as depicted on the municipality's Flood Insurance Rate Map.
17. Location of any watercourses, wetlands, rock outcrops, or other natural features on or adjacent to the tract.
18. When public sewer is not available, the location of soil test pits (minimum one per lot) including an indication of which areas are suitable for the installation of a subsurface wastewater disposal system.
19. The topography of the tract shown by contour lines at an interval of not more than 2' in elevation, referenced to USGS datum.
20. A phasing plan when the proposed subdivision is to be constructed in more than one phase.

3.8.4.5 Infrastructure Design Plans. Detailed construction drawings showing a plan view, profile, and typical cross section of proposed street. The plan view shall be at a scale of 1" = no more than 40'. The vertical scale of the profile shall be 1" = no more than 4'. The plans shall include the following information:

1. Width and location of all streets proposed by the developer, including edge of right of way, edge of pavement or traveled way, edge of shoulder, clear zone, sidewalks, and curbs. All applicable dimensions must be shown, such as lengths, deflection of angles, radii, central angles of all curves, tangent distances, and bearings.
 2. Typical street cross-sections specifying materials, thickness and crowning.
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3. Complete curve data shall be indicated for all horizontal and vertical curves.
4. Turning radii at all intersections.
5. Centerline gradients.
6. Traffic control devices, such as stop signs and cross walks.
7. Location, size, type, and depth of all existing and proposed underground utilities, including but not limited to water, sewer, electric, and communication utilities, including appurtenant structures (e.g. valves, pumps, transformers).
8. Location, size, and type of all proposed above ground utilities, including location of utility poles and streetlights.
9. Proposed locations of driveways.

3.8.4.6 Stormwater Management Plan and Erosion & Sedimentation Control Plan

1. Location, size, material, profile and cross-section of all existing and proposed drainage components and their location with respect to the existing natural waterways and proposed drainage ways.
2. The direction of runoff flow through the use of arrows indicating the downgradient direction.
3. Data, including grading and invert and rim elevations, and calculations prepared by a professional engineer licensed in the State of Maine showing compliance with Section 2.3.4, Stormwater Management.
4. Low Impact Design. Each applicant is required to submit a statement to the Planning Board documenting proposed Low Impact Design (LID) for the site, which will help to reduce storm water volumes and help to enhance storm water quality. LID includes, but is not limited to green roofs, rain gardens, tree wells, infiltration basins, and permeable pavement. Technical documentation about the proposed LID features must also be submitted. For subdivisions where LID techniques will not improve the quality or reduce volumes, a statement explaining why that is the case must be submitted.
5. For subdivisions that discharge stormwater into the town's MS4 area, documentation to show compliance with Hampden's Post-Construction Stormwater Management Ordinance, including the required Agreement.
6. An Erosion and Sedimentation Control Plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine DEP (2016 or as amended).

3.8.4.7 Additional Information. The Planning Board may require additional information when it is determined necessary to meet the criteria of the State Subdivision Statute Title 30-A, M.R.S.A., section 4401, including:

1. High Intensity Soil Survey by a Registered Soil Scientist.
 2. Hydrogeological assessment for a subdivision not served by sewer and if any part of the subdivision is over a sand and gravel aquifer.
 3. Hydrogeological assessment if the average density is more than one dwelling unit per 100,000 sq. ft.
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4. Hydrogeological assessment if the Board determines potential adverse impacts on ground water quality.

Article 4: Approval Criteria. Prior to granting approval for any subdivision, the Planning Board must make findings that each of the following criteria have been met. The burden of proof of compliance with each of these criteria rests with the applicant. These criteria are as required in Title 30-A M.R.S.A §4404, with the exception of §4.22, Private Streets.

- 4.1 Pollution. The proposed subdivision will not result in undue water or air pollution, considering at minimum the elevation of the land above sea level and its relation to the floodplain, the nature of the soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents, the availability of streams for the disposal of effluents, and the applicable local and state health and water resources rules and regulations.
- 4.2 Sufficient Water. The proposed subdivision has sufficient water available as determined by the Hampden Water District and the Hampden Public Safety Department for the reasonably foreseeable needs of the subdivision.
- 4.3 Municipal Water Supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.
- 4.4 Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- 4.5 Traffic. The proposed subdivision will not cause unreasonable congestion or unsafe conditions with respect to the use of existing or proposed highways or public roads and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.
- 4.6 Sewage Disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- 4.7 Municipal Solid Waste Disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized.
- 4.8 Aesthetic, Cultural, and Natural Values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- 4.9 Conformity with Local Ordinances and Plans. The proposed subdivision is in conformance with the Hampden Subdivision Ordinance, the Hampden Comprehensive Plan, the Hampden Zoning Ordinance, and where applicable the Hampden Shoreland Zoning Ordinance and the Hampden Floodplain Management Ordinance. In making this determination, the Planning Board may interpret these ordinances and plans.

- 4.10 Financial and Technical Capacity. The applicant/developer has adequate financial and technical capacity to meet the standards of this Ordinance.
- 4.11 Surface Waters and Outstanding River Segments. The proposed subdivision, if situated entirely or partially within the watershed of any pond or lake or within the Shoreland Zone (i.e. within 250 feet of any wetland, great pond, or river as defined in Title 38, chapter 3, subchapter I, article 2-B), the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. When lots in a subdivision have frontage on the Penobscot River (an outstanding river segment), the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not included in the lots, the proposed subdivision will be reviewed as if lot lines extended to the shore. The frontage and setback provisions of this paragraph do not apply either within areas zoned as General Development under Hampden's Shoreland Zoning Ordinance, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development predated September 23, 1971.
- 4.12 Ground Water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- 4.13 Flood Areas. The proposed subdivision, if all or a portion of it is located within a flood hazard area based on the Federal Emergency Management Agency's (FEMA) Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, supplemented with information presented by the applicant where necessary, must include a notation on the recording plan stating that the principal structures on any lot so affected must be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Where FEMA maps and data are insufficient for making an accurate determination of the flood elevation, the applicant must determine the 100-year flood elevation and flood hazard boundaries within the subdivision.
- 4.14 Freshwater Wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.
- 4.15 Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.
- 4.16 River, Stream, or Brook. Any river, stream, or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.
- 4.17 Stormwater Management. The application demonstrates that the proposed site improvements are designed to minimize the amount of stormwater leaving the site and the stormwater management
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system is designed to accommodate the design storm without impairing the upgradient or downgradient conditions.

- 4.18 Spaghetti Lots Prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
- 4.19 Lake Phosphorus Concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
- 4.20 Impact on Adjoining Municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
- 4.21 Lands Subject to Liquidation Harvesting. Any timber harvested on the proposed subdivision tract has been done in compliance with rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. "Liquidation harvesting" means the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years, and "parcel" means a contiguous area within the town owned by one person or a group of persons in common or joint ownership.
- 4.22 Private Streets. Any subdivision with a road that is designed to the standards herein for private streets must comply with the following criteria:
- 4.22.1 The private street must connect directly to a public road.
 - 4.22.2 The private street must be entirely on the applicant's tract, although it can provide access to abutting properties.
 - 4.22.3 The applicant must prepare an easement document which runs with the land which:
 - 4.22.3.1 Must be recorded at the Registry of Deeds and referenced in every deed to each affected property;
 - 4.22.3.2 Covers the entire right-of-way;
 - 4.22.3.3 Includes provisions for the permanent ownership and maintenance (including snow and ice removal) of the private street;
 - 4.22.3.4 Includes language stating the owners of abutting properties that must rely on the private street as their primary access to their property have the right to grant authorization for any future development beyond that proposed to use the private street that will intensify or alter the use of the right-of-way.
 - 4.22.3.5 Includes language stating the road is private and will never be maintained or accepted by the Town of Hampden unless the roadway is improved to the road

- standards in the Subdivision Ordinance in effect at the time of application or request for public acceptance.
- 4.22.3.6 Includes language authorizing use by any public safety personnel from any such agency (local, state, or federal), and that the owners of the private road will hold any such agency harmless for any damage their vehicles may cause in the course of their business.
- 4.22.4 When a property owners association or similar organization is to be the owner of the private street, it:
- 4.22.4.1 Must be formed by the applicant or developer and be operating, with financial subsidization if necessary by the applicant or developer, before the sale or lease of any lot or unit within the subdivision.
- 4.22.4.2 Must have mandatory membership of every property owner within the subdivision.
- 4.22.4.3 Establish written procedures for equitably distributing the cost burden among the property owners.
- 4.22.4.4 Is responsible for insurance, as needed, in addition to all repairs and maintenance of the roadway.
- 4.22.5 Expansion, reconstruction, or other major alteration of a private street that was in existence in a subdivision recorded prior to July 6, 2016 must comply with the design standards and this §4.22 of the Subdivision Ordinance in effect at the time of such road reconstruction.

Article 5: Waivers

- 5.1 Waiver Request. Any waiver request must be submitted in a letter signed by the applicant or his representative and included with the application. The Planning Board should consider the impact on public policy for each waiver request it considers.
- 5.2 Waiver from Design Standards. The Planning Board may, by two-thirds of Board members eligible to act on the subdivision application, vote to grant a waiver to any of the design standards of this Ordinance when it finds that the need for the requested waiver is due to the unique circumstances of the property, provided:
 - 5.2.1 The developer has submitted clear and convincing documentation explaining:
 - 5.2.1.1 that the waiver requested is necessary and appropriate for the proposed subdivision;
 - 5.2.1.2 that a modification in the design of the subdivision would not alleviate the need for the requested waiver; and
 - 5.2.1.3 what the ramifications would be of not obtaining the waiver on the design and functionality of the subdivision.
 - 5.2.2 The Planning Board has received written statements from the appropriate Town departments that address the possible effects or impacts of the requested waiver on the public health, safety, and welfare; and
 - 5.2.3 Such waiver will not have the effect of nullifying the intent and purpose of the Subdivision Ordinance, Zoning Ordinance, Comprehensive Plan, or other applicable ordinances of the Town of Hampden.
- 5.3 Waiver from Submission Requirements. The Planning Board may, by a vote of a simple majority, waive submission requirements of this Ordinance for major subdivisions that they determine are not necessary for making a decision on the proposed subdivision. Such waivers must be requested by the applicant in writing at the sketch plan phase. In cases where a submission requirement is not applicable to the subdivision, a formal waiver request is not required. None of the submission requirements for a minor subdivision are eligible for a waiver.
- 5.4 Waivers Recorded. When the Planning Board grants a waiver to any of the design standards required by this ordinance, the Board Order and the recording plan must indicate the waivers granted and the date on which they were granted.

Article 6: Enforcement.

- 6.1 The Planning Board, with the assistance of the Code Enforcement Officer and the Town Manager, will enforce this Ordinance.
- 6.2 The Planning Board, the Town Council, or the Code Enforcement Officer may institute proceedings to enjoin any violations of this Ordinance, and if a violation is found in court, the Town of Hampden may be allowed attorney fees.
- 6.3 Any person, firm, or corporation or other legal entity found guilty of a violation of this Ordinance shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452.

Article 7: Definitions

Words and terms used in this ordinance shall have the meanings set forth below. Words and terms, which are not defined herein but are defined in the Zoning Ordinance, have the meanings set forth in the Zoning Ordinance. Words and terms, which are not defined herein or in the Zoning Ordinance, have their customary dictionary meanings in the Merriam-Webster print or online dictionary.

Applicant – the person or entity that has filed an application for subdivision approval, up until the time the recording plan is approved by the Planning Board. After that date, the person or entity is known as the developer.

Arterial Street – A street designed to carry large volumes of traffic. Per Maine Department of Transportation the following streets in Hampden are classified as arterials: Route 1A from the Winterport line to the Bangor line, Route 202 from Western Ave to the Bangor line, and Western Ave from Main Road South to the intersection with Route 202 and the Hampden Academy entrance.

Average Daily Traffic (ADT) – The average number of vehicles passing a given point on a roadway during a 24-hour period. Normally calculated using a multi-day count.

Code Enforcement Officer – the person employed by the Town of Hampden holding the title of Code Enforcement Officer, or any qualified person or company designated by the Town Manager to serve in that capacity.

Cluster Subdivision – A subdivision which is designed according to the provisions of Section 4.6, Cluster Housing, of the Zoning Ordinance.

Design Storm – A storm with a prescribed duration and frequency or recurrence interval based on DEP requirements for the permitting level required (Stormwater Law or SLODA).

Developer – the person or entity that is constructing the subdivision infrastructure or selling the lots within the approved subdivision. Prior to the date of approval of the recording plan by the Planning Board, the person or entity is known as the applicant.

DPW Director – the person employed by the Town of Hampden holding the title of Department of Public Works Director, or any qualified person or company designated by the Town Manager to serve in that capacity.

Freshwater Wetland – "Freshwater wetland" means freshwater swamps, marshes, bogs and similar areas which are: inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not considered part of a great pond, coastal wetland, river, stream or brook. These areas may contain small stream channels or inclusions of land that do not conform to these criteria.

Full Buildout – includes all construction including the roadway and other infrastructure, community buildings, parking lots, driveways, and houses. Accessory buildings such as sheds do not need to be included provided they are less than 200 square feet in size (e.g. an accessory detached garage that is 12'x20' would be included if it is planned to be constructed when the house is built).

Lane – a roadway designed to serve the local traffic for no more than 25 housing units (or lots for single family houses).

Major Subdivision – A major subdivision is:

1. A standard subdivision which involves no new infrastructure but which has 11 or more lots including the parent parcel, or
2. A standard subdivision which involves new infrastructure regardless of intended ownership of the infrastructure (public or private) which has any number of lots, or
3. Any cluster subdivision, or
4. Any nonresidential subdivision.

Minor Subdivision – a standard subdivision which involves no new infrastructure (road, water, sewer, or stormwater management system), with a maximum of 10 lots including the parent parcel.

MS4 Area – The area of Hampden subject to the Municipal Separate Storm Sewer System General Permit, which is the summation of the Urbanized Areas (UA) as defined in each of the decennial censuses beginning with the 2000 census by the U.S. Bureau of the Census (i.e. the 2000 UA + 2010 UA + 2020 UA).

Net Useable Area – The total area of a lot minus the area of wetlands, streams (perennial or intermittent), or areas designated as stormwater detention facilities.

Nonresidential Street – a roadway designed to serve the needs of any commercial, industrial, institutional, or other nonresidential use, with any number of such uses or lots being served.

Off-site Run-on – water or stormwater that enters the proposed subdivision tract from up-gradient.

Parent Parcel – the tract proposed to be subdivided.

Pre-development – the condition of the tract prior to any land clearing or other preparation for development of the subdivision.

Post-development – the condition of the tract after full buildout of the project.

Pump Station – Any device intended and designed for the purpose of transporting, pumping or lifting of sanitary sewage from residences, nonresidential buildings, or central collection points to the municipal sanitary sewer system. This shall not include lift pumps used in self-contained, on-site subsurface disposal systems.

Standard Subdivision – A subdivision which is not a cluster housing development and complies with the standard dimensional requirements of Section 3.4 of the Zoning Ordinance.

Stormwater Component – The individual parts of the stormwater system, including but not limited to conveyance pipes, ditches, catch basins, field basins, detention or retention ponds, stormwater buffers, and low impact development practices.

Stormwater System – The entirety of the management system for the entire subdivision.

Street – a roadway designed to serve the traffic needs for more than 25 housing units (or lots for single family houses).

Subdivision – This term is as defined in Title 30-A M.R.S.A. §4401, sub-§4, as amended. A lot of 40 acres or more is not counted as a lot provided the parent parcel is located entirely outside of the Shoreland Zone as defined in the Hampden Shoreland Zoning Ordinance. Appendix B includes a description of what constitutes a subdivision but the actual definition is as in Statute.

Tract – All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

Town Planner – the person employed by the Town of Hampden holding the title of Town Planner, or any qualified person or company designated by the Town Manager to serve in that capacity.

Appendix A – typical cross sections for roadways

Appendix B – What constitutes a Subdivision

The basics:

- The division of a tract or parcel of land into 3 or more lots within any 5-year period.
- The division of an existing structure (regardless of whether previously used for residential, commercial, or industrial purposes) into 3 or more dwelling units within any 5-year period.
- The construction of a new structure with 3 or more dwelling units.
- The construction of or placement of 3 or more dwelling units on a single tract or parcel of land within a 5-year period.
- The first division creates the first 2 lots, and the second division, regardless of which of the first 2 lots is divided and regardless of who divides it, creates the third lot.

However, the following situations result in the division NOT being considered a subdivision under the law. In each case, the division of a structure into dwelling units also applies.

- When the owner of the tract or parcel has, for the 5 years preceding the division, lived in a single family house (principal residence) on the property being divided and creates 2 new lots but continues to live in the house on the property. The two divisions can occur at separate times; if so, the 5-year period is preceding the second division.
 - Any newly created parcel containing a minimum of 40 acres is not counted as a lot. For example, a 100 acre tract divided into one 40 acre lot and two 30 acre lots is not a subdivision under the law, but a 100 acre tract divided into one 40 acre lot and three 20 acre lots is a subdivision under the law.
 - A division accomplished by the following, unless the purpose of the subdivider is to avoid the objectives of the Subdivision Ordinance:
 - devise (will and testament).
 - condemnation.
 - court order.
 - gift to a person related to the donor (spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption), provided:
 - The donor owned the property for a minimum of 5 years prior to the gifting;
 - The gifted lot is not sold to an unrelated person within 5 years after the gifting (if it is, the lot is no longer exempt); and
 - The assessed value of the real estate of the gifted lot is no more than one-half the assessed value of the parent parcel.
 - gift to the town.
 - the transfer of land to one or more abutting landowners to be merged with their land, provided the transferred land is not then transferred without the entire merged land within 5 years (if it is, the transferred land is no longer exempt).
 - The tract has permanent dwelling structures which legally existed prior to September 23, 1971 and is divided such that each dwelling is on its own lot.
 - The grant of a bona fide security interest in an entire lot that has been exempted from subdivision review does not create a lot, unless the intent of the transferor is to avoid the objectives of the Subdivision Ordinance.
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The definition in Statute, as of August 2019 (without historical references):

"Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividing's are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres must be counted as a lot, except when a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

D. [repealed]

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to

the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. [repealed]

H. [repealed]

H-1. [repealed]

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2019. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2018 for the definition to remain valid for the grace period ending January 1, 2019. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.